

CHAPTER 11.10SALE, DISPLAY AND PROMOTION OF TOBACCO PRODUCTS

(Ordinance 2000-10)

11.10.010 Purpose and Intent. It is the purpose and intent of the City Council to enact regulations governing the sale or display of tobacco products in the City to prevent adverse impacts affecting the public health and welfare of its citizens, and particularly minors. Accordingly, pursuant to the recitals contained in Ordinance No. 2000-10, the City Council has adopted the regulations contained in this Chapter.

11.20.020 Definitions. For purposes of this Chapter, terms shall be defined by their ordinary meaning unless specified below:

A. 'Advertising display' means a sign, sign board, bill board, poster or banner that is temporarily or permanently placed within a building, or is displayed in the window(s) of a commercial establishment, and is used to advertise or promote products. It does not include printed material on the container of a product offered for sale at a retail establishment.

B. 'Playground' means any outdoor premises or grounds owned or operated by the City, a public or private school, childcare center, or youth or recreational center, containing any play or athletic equipment used or intended to be used by minors.

C. 'Recreation center or facility' means any center or facility owned, operated or controlled by the City and designated for continual recreational uses which shall include but not be limited to a teen center and similar uses.

D. 'School' means any public or private elementary or secondary school attendance at which satisfies the compulsory education laws of the State of California.

E. 'Self service display' means an open display of tobacco products that the public has access to without the assistance of a store employee.

F. 'Tobacco advertising display' means an advertising display concerning tobacco products.

G. 'Tobacco product' means any substance containing tobacco leaf in any form including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and dipping tobacco.

H. 'Vendor-assisted' means the provision of tobacco products for sale which are dispensed only with the assistance of a store employee and the customer does not take possession of the product until the point of sale.

11.10.030 Measure of Distance. The distance between any store or business selling tobacco products and any school, playground, recreational center or facility, childcare center or library, shall be measured in a straight line, without regard to intervening structures, from the entrance or entrances of the store or business to the nearest property line of the school, playground, recreational center or facility, childcare center or library.

11.10.040 Location of Tobacco Products and Advertising Displays Inside Retail Establishments.

A. It shall be prohibited for any person or business to place or maintain, or cause to be placed or maintained, any advertising display containing tobacco products within two feet of any candy, snack or non-alcoholic beverage display inside any store or business which is located within 1,000 feet of the premises of any school, playground, recreation center or facility, childcare center or library.

B. It shall be prohibited for any person or business to place or maintain, or cause to be placed or maintained, any tobacco advertising display within two feet of candy, snack or non-alcoholic beverage displays inside any store or business that sells tobacco products and which is located within 1000 feet of the premises of any school, playground, recreation center or facility, childcare center or library.

C. It shall be prohibited for any person or business to place or maintain, or cause to be placed or maintained, any advertising display containing tobacco products or tobacco advertising display below four feet from the floor.

11.10.050 Exceptions to Location of Tobacco Products and Advertising Displays Inside Retail Establishments.

A. Section 11.10.040 shall not apply to commercial establishments where access to the premises by persons under eighteen years of age is prohibited by law.

B. Section 11.10.040 shall not apply to (1) any displays containing tobacco products which are not accessible and not visible to patrons, or (2) displays located above, behind or below a sales counter and are not accessible to patrons.

11.10.060 Self Service Sale and Distribution of Tobacco Products— Prohibited. It shall be prohibited for any person, business or tobacco retailer to sell, permit to be sold, offer for sale or display for purposes of sale, by means of self service displays or by any means other than vendor-assisted.

11.10.070 Distribution of Free Tobacco Samples or Promotional Items— Prohibited. It shall be unlawful for any person or business to distribute free tobacco products or promotional items except in enclosed area where minors are prohibited.

11.10.080 Posting of Signs Regarding Tobacco Sales to Minors.

A. Any person or business selling or otherwise distributing tobacco products shall post conspicuously a notice in their place of business at each point of purchase stating that the sale of tobacco products to persons under eighteen years of age is prohibited by law. The notice shall also state that photo identification is required to purchase tobacco products. The character depicting the notice shall be at least one-half inch in height.

B. Any sign in compliance with the content requirements of California Business and Professions Code Section 22952(B) and regulations promulgated thereto, and the posting requirements of California Penal Code Section 308(c), shall satisfy the requirements in section 11.10.080.A.

C. It shall be unlawful for any person or business that sells or distributes tobacco products to fail to post a sign pursuant to this section.

11.10.090 Advertisement and Promotional Materials Placed on City Property—Prohibited. It shall be unlawful for any person or business to place or maintain, or cause to be placed or maintained, any advertisement or promotional material for tobacco products on any property, whether real or personal, owned by the City.

11.10.100 Tobacco Store Location. No retail establishment in which 33 percent or more of its floor display area is dedicated to the sale of tobacco products shall be located within 1,000 feet of any school, playground, recreation center or facility, childcare center or library.”